

Decision for dispute CAC-UDRP-101146

Case number CAC-UDRP-101146

Time of filing 2015-12-29 09:14:19

Domain names arcelormittal.xyz

Case administrator

Name Lada Válková (Case admin)

Complainant

Organization ArcelorMittal (Société anonyme)

Complainant representative

Organization Nameshield (Anne Morin)

Respondent

Name Nidhindra M

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark n°947686 ARCELORMITTAL® registered on August 3th, 2007

FACTUAL BACKGROUND

The Complainant ARCELORMITTAL S.A. is a company specialized in steel producing in the world. The Complainant is the largest steel producing company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging with operations in more than 60 countries. It holds sizeable captive supplies of raw materials and operates extensive distribution networks. The Complainant is the owner of the international trademark n°947686 ARCELORMITTAL® registered on August 3th, 2007.

The disputed domain name <arcelormittal.xyz> has been registered on August 12th, 2015 with Whois privacy services.

The Complainant states that the Disputed Domain is identical to his domain names, trademarks and branded goods ARCELORMITTAL®.

Furthermore, it contends that the Respondent does not have any rights or legitimate interest in the disputed Domain Name. It has not been authorized, licensed or permitted to register and use the domains by the Complainant. Moreover, the Complainant states the Respondent has not been commonly known by the disputed Domain Name. Finally, the Complainant claims that the disputed Domain Name has been registered and is being used in bad faith.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark or service mark in which the complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy). In particular, the disputed domain name <arcelormittal.xyz> is identical to its international trademark ARCELORMITTAL®.

The addition of the new gTLD ".XYZ" is not sufficient to escape the finding that the disputed domain name is identical to the trademark ARCELORMITTAL®.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii) of the Policy). The Respondent is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither licence nor authorization has been granted to the Respondent to make any use of the trademark ARCELORMITTAL®, or apply for registration of the disputed domain name by the Complainant.

Therefore, the Panel is satisfied that the Complainant has made a prima facie case, which the Respondent has not rebutted.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The website associated to the disputed domain name <arcelormittal.xyz> is in parking page with pay per click links since its registration. The fact that the disputed domain name is used for a website displaying sponsored links to third party websites shows that the Respondent is free-riding on the goodwill and reputation associated with the Complainant's trademark and business with the apparent intention of obtaining pay-per-click royalties, and at the same time disrupts the Complainant's business by diverting Internet users.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Respondent uses a domain name which is nearly identical with the trademark owned by the Complainant. As the Respondent has not filed a response, there is no indication available that the Respondent has a legitimate interest in using the domain in question. Obviously, the Respondent has only registered the domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. ARCELORMITTAL.XYZ: Transferred
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PANELLISTS

Name	Thomas Hoeren
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DATE OF PANEL DECISION 2016-02-06

Do not publish the Decision
